

WILBUR WADE ATCHERLEY,) No. C 04-4434 MMC (PR)
)
Petitioner,)
)
v.) **ORDER DENYING REQUEST FOR**
) **APPOINTMENT OF COUNSEL**
)
A. SCRIBNER,) **(Docket No. 20)**
)
Respondent.)

Petitioner, a California state prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus. He has filed a second motion for appointment of counsel. In denying petitioner's first motion for appointment of counsel, see Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986) (holding that Sixth Amendment's right to counsel does not apply in habeas actions), the Court advised petitioner that it would sua sponte issue an order appointing counsel should the need for such appointment arise. Petitioner shall not file any further motions for the appointment of counsel. Petitioner thus far has adequately presented his claims, and no evidentiary hearing has been ordered.¹ Consequently, there is no need for appointment of counsel at this time, and petitioner's second request is hereby DENIED.

This order terminates Docket No. 20.

IT IS SO ORDERED.

DATED: January 19, 2005

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

¹The Court will consider petitioner's requests for an evidentiary hearing and for oral argument, in conjunction with its review of the merits of the petition.